

MICHIGAN CHILD SUPPORT PROGRAM LEADERSHIP

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**Child Support
Legislative Package
2013 – 2014
April 2014**

Compassion. Protection. Independence.

**Child Support Legislative Package:
Overview and Goals**

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Proposals to:

- **Improve efficiency**
- **Expedite child support services for families**
- **More quickly establish paternity for children**
- **Save costs**
- **Confront underground economy (UE)**

Bill Summary Table

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SB No.	Sponsor	Topic	Amended Statutes
HB 5463	Denby	Genetics Determine Paternity	Paternity Act
HB 5464	Hooker	Genetics Determine Paternity	New Act
HB 5465	Kurtz	Genetics Determine Paternity & Expedited Process	New Act
HB 5466	Kosowski	Consolidated Services: Paternity & Support Establishment	Paternity Act
HB 5467	Hooker	Consolidated Services: Paternity & Support Establishment	Revocation of Paternity Act
HB 5468	Victory	Consolidated Services: Paternity & Support Establishment	Family Support Act
HB 5469	Kurtz	Consolidated Services: Paternity & Support Establishment	UIFSA
HB 5470	Kesto	Consolidated Services: Paternity & Support Establishment	RURESA
HB 5471	Outman	Consolidated Services: Paternity & Support Establishment	Status of Minors in Child Support

HB 5463 - HB 5465: Genetics Determine Paternity

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- Currently, genetic tests establish a *presumption* of paternity in court cases. The prosecutor must make a motion for a court hearing to present the genetic tests to the court.
- In practice, at that hearing, courts rely entirely on genetic tests results to establish paternity.
- HB 5463 – 5465 would allow genetic testing to determine paternity *conclusively* without having to have a court hearing first.

HB 5463 – HB 5465: Genetics Determine Paternity cont.

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Why?

- Avoids unnecessary & adversarial court proceedings.
- The general public has grown confident in the science of paternity testing; eliminates parents' confusion over legal processes.
- Genetic testing nearly always establishes the probability of paternity in excess of 99% or excludes the potential father.
- Fathers are more likely to be involved and pay support for children proven to be theirs.
- Fathers are established quickly so that children can receive relevant benefits (child support, insurance, etc.) and most important, a relationship with their fathers.

HB 5463: Genetics Determine Paternity

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- Amends the Paternity Act to establish that a positive genetic test will determine paternity *conclusively* rather than merely create a *presumption* of paternity.
 - Currently requires additional steps of having prosecutor move for judgment and court hearing at which court relies on test results to enter order establishing paternity.
 - Codifies what has become the practice but with less government intervention.

HB 5464: Genetics Determine Paternity

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- A new act that ensures a positive genetic test result is a basis for confirming a man as a child's legal father.
- Allows voluntary parents to have the same result as a court determination based on the same tests but without requiring them to go to court.
- Provides additional non-court option other than only the acknowledgment of parentage.

HB 5465: Genetics Determine Paternity & Expedited Process

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A new Act: the Summary Support and Paternity Act Combines Two Concepts that Have Already Proved to be Successful:

- Relies on the science of genetics which already is used to establish or exclude potential fathers in our current, more procedurally-laden arrangement.
- Imports the procedure enacted by the Legislature in 2004 for a less-adversarial way of **modifying** child support orders as a new, less-adversarial procedure to **establish** new orders.

Underground
Economy
Recommendation

Expedite move to non-adversarial procedures;
improve the advocacy for noncustodial parents
who cannot afford counsel.

HB 5465: Genetics Determine Paternity & Expedited Process

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A new Act: the Summary Support and Paternity Act

And also:

- Expedites court proceedings for paternity and child support orders.
- Avoids court hearings, where they are not necessary.
- Allows counties to realign processes locally where they are most efficient – not just with the Prosecuting Attorney or Friend of the Court.
- Engages parents; permits interaction in a non-adversarial, less formal process.

HB 5465: Genetics Determine Paternity & Expedited Process cont.

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Why?

- Parents are more likely to participate; consequently, more likely to buy-in & comply with child support and other order provisions.
- Good for families: establishes paternity and obtains child support faster.
- Cost savings for courts and counties.
- Court efficiency.

Consolidated Services: Paternity and Support Establishment

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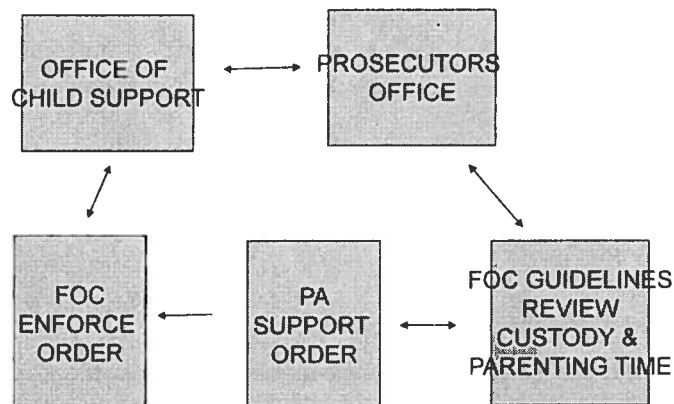
The proposals in HB 5466-HB 5471 remove the requirement that only Prosecuting Attorneys can establish paternity and support.

The proposals insert this change into the following:

- Paternity Act (HB 5466)
- Revocation of Paternity Act (HB 5467)
- Family Support Act (HB 5468)
- UIFSA (HB 5469)
- RURESA (HB 5470)
- Status of Minors in Child Support (HB 5471)

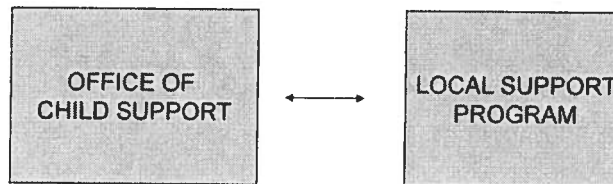
Child Support Case Process Today

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New Child Support Case Process

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Consolidated Services: Paternity and Support Establishment cont.

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Why?

- Michigan's current child support laws require Prosecuting Attorneys to establish paternity and child support, yet custody, parenting time and all other family-related issues are handled by the Friend of the Court.
- The Friends of the Court are well trained in paternity and support establishment.
- Custodial parties and non-custodial parents should be able to address all family issues with one office.
- Makes the system more user friendly and more efficient with fewer steps in the child support process.
- Allows for smooth consolidation of personnel, management and budgets.

